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10/014,293

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Vij Rajarajan

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EXAMINER

DOAN, DUYEN MY

ART UNIT

PAPER NUMBER

2152

MAIL DATE

DELIVERY MODE

12/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/014,293

Applicant(s)

RAJARAJAN ET AL.

Examiner

Duyen M. Doan

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

This office action is in response to the submission filed on 10/15/2007. Claims 1-20 are presented for examination. Claim 21 is cancelled.

### ***Response to Arguments***

Applicant's arguments filed 10/15/2007 fully considered but they are not persuasive.

In response to applicant's argument in regard to 101 rejections of claims 8-17, examiner respectfully disagrees, claims 8-17 cited "a computer program product", the computer program product not embodied in a computer readable media are merely software for manipulating data, by adding "storing in a memory" to the independent claims does not alleviate the deficiency of claims 8-17 under 101 rejection. The storing in the memory in independent claims 1, 13 are actually storing the information about the resource not the instruction for executing claim 1 and 13. Therefore the rejection of claims 8-17 is maintained.

In response to applicant's argument that the prior art does not teach, "receiving information from the first resource related to a first task and receiving information from a second resource related to a second task" examiner respectfully disagrees, Cheng

discloses a method of choosing a particular resource to perform a particular task in an organization, the system inherently receiving the information from the resources related to the tasks in order to call which of the resources to perform which task.

In response to applicant's argument that the prior art does not teach, "determine which resource to perform the management task on the first manage object, wherein sending occurs after receiving information from the first resource and receiving the information from the second resource" examiner disagrees, Cheng discloses a method of choosing a particular resource to perform a particular task for the project in an organization (see Cheng col.16, lines 40-65), therefore Cheng teaches determine which resource to perform the management task on the first manage object (the project corresponds to the manage object). Cheng discloses assign which resource to perform which task (see Cheng col.16, lines 40-46) in order to assign which resource to perform which task, the information about the resource has to receive before hand in order to known which resource to call to perform a task. Therefore, Cheng inherently teaches sending occurs after receiving information from the first resource and receiving the information from the second resource.

In response to applicant's argument that the prior art Cheng does not disclose "task information to an object type managed by a new resource", Cheng teaches determine which resource to perform the task on a particular project, however Cheng does not discloses adding the new resource, As stated in the last office action and

below, Stamm teaches receiving the new resource are added to the network, the method of Cheng can apply to the resource already exist in the network, obviously it can be applied to the new resource that is adding to the network. Therefore, combination of Cheng and Stamm therefore teaches the above limitation. Applicant argued against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to the applicant's argument that the prior art does not disclose "the management module performing task functions on the associated objects of more than one resource" examiner disagrees, Cheng teaches performing the tasks that are associated with the projects, and determine the resources that are associated with the projects (see Cheng col.10, lines 52-61).

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement

thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-17 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Each of the claims currently recite computer program product for manipulating data. As currently recited, the invention is functional descriptive material because it comprises merely software for manipulating data.

Data structure not claimed as embodied in computer-readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760. Such claimed data structure do not define any structural and functional interrelationship between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized.

In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationship between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Cheng (us pat 6,067,548).

As regarding claims 1 and 8, Cheng discloses receiving information from a first resource related to a first task, the first task for a first managed object of a predetermined object type (see Cheng col.16, lines 40-65, assign the resource can perform the task); receiving information from a second resource related to a second task, the second task associated with the first managed object (see Cheng col.16, lines 40-65, assign the resource can perform the task); storing in the memory the information received from the second resource in association with the information received from the first resource (see Cheng col.4, line 4, storing means, lines 6-20); receiving a request to perform the management task in relation to the first managed object (see Cheng col.11, lines 53-58); determining which of the first and second resource to call in response to the request (see Cheng col.16, lines 40-65, queries which resource assigned to do the task); and sending a task request to the determined resource to perform the management task on the first managed object (see Cheng col.12, lines 45-52); wherein the sending occurs after receiving information from the first resource and receiving information from the second resource (Cheng discloses assign which resource to perform which task (see Cheng col.16, lines 40-46) in order to assign which resource to

perform which task, the information about the resource has to receive before hand in order to know which resource to call to perform a task. Therefore, Cheng inherently teaches sending occurs after receiving information from the first resource and receiving the information from the second resource).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng (us pat 6,067,548) in view of Sonderegger et al (us pat 6,173,289) (hereinafter Sonder).

As regarding claim 2, Cheng discloses the invention substantially as claimed in claim 1 above, Cheng does not disclose receiving a request to display task information related to the first object; and displaying task information received from both back-end resources in response to the request to display task information.

Sonder teaches receiving a request to display task information related to the first object; and displaying task information received from both back-end resources in response to the request to display task information (see Sonder col.7, lines 48-67; col.11, lines 47-62; col.12, lines 30-61; col.13, lines 59-67; col.14, lines 6-36; col.15, lines 23-40).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Sonder to the method of Cheng to display task information because it would reduce the time delay and frustrations associated with searching with the global database (see Sonder col.15, lines 23-29).

As regarding claim 3, Cheng-Sonder discloses receiving static task information related to the object type of the first managed object (see Sonder col.7, lines 48-67; col.11, lines 47-62; col.12, lines 30-61; col.13, lines 59-67; col.14, lines 6-36; col.15, lines 23-40); storing the static task information in a task store (see Sonder col.7, lines 48-67; col.11, lines 47-62; col.12, lines 30-61; col.13, lines 59-67; col.14, lines 6-36; col.15, lines 23-40); receiving dynamic task information related to the first managed object, the dynamic task information including a task handler identification within the back-end resource (see Sonder col.7, lines 48-67; col.11, lines 47-62; col.12, lines 30-61; col.13, lines 59-67; col.14, lines 6-36; col.15, lines 23-40); and in response to the request to display task information, displaying both static and dynamic task information (see Sonder col.7, lines 48-67; col.11, lines 47-62; col.12, lines 30-61; col.13, lines 59-

67; col.14, lines 6-36; col.15, lines 23-40). The same motivation was utilized in claim 2 applied equally well to claim 3.

As regarding claim 4, Cheng-Sonder discloses the task handler identification is a pointer to some executable code on the first resource (see Sonder col.7, lines 48-67; col.11, lines 47-62; col.12, lines 30-61; col.13, lines 59-67; col.14, lines 6-36; col.15, lines 23-40). The same motivation was utilized in claim 2 applied equally well to claim 4.

As regarding claim 5, Cheng-Sonder discloses the task handler identification relates to executable code on the first resource and the second resource (see Sonder col.7, lines 48-67; col.11, lines 47-62; col.12, lines 30-61; col.13, lines 59-67; col.14, lines 6-36; col.15, lines 23-40). The same motivation was utilized in claim 2 applied equally well to claim 5.

As regarding claim 6, Cheng-Sonder discloses in response to the request to display task information, retrieving static task information from the task store (see Sonder col.7, lines 48-67; col.11, lines 47-62; col.12, lines 30-61; col.13, lines 59-67; col.14, lines 6-36; col.15, lines 23-40); sending a request for dynamic task information to one of the resources using the handler identification, the request including instance information for the first managed object (see Sonder col.7, lines 48-67; col.11, lines 47-62; col.12, lines

30-61; col.13, lines 59-67; col.14, lines 6-36; col.15, lines 23-40); and receiving dynamic task information for the instance of the first managed object (see Sonder col.7, lines 48-67; col.11, lines 47-62; col.12, lines 30-61; col.13, lines 59-67; col.14, lines 6-36; col.15, lines 23-40). The same motivation was utilized in claim 2 applied equally well to claim 6.

As regarding claim 9, the limitations are similar to limitations of claim 2, therefore rejected for the same rationale as claim 2.

As regarding claim 10, the limitations are similar to limitations of claim 3, therefore rejected for the same rationale as claim 3.

As regarding claim 11, the limitations are similar to limitations of claim 6, therefore rejected for the same rationale as claim 6.

Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng (us pat 6,067,548) in view of Stamm et al (us pat 6,711,616) (hereinafter Stamm).

As regarding claim 13, Cheng discloses retrieving task information associated with the resource, wherein the task information relates to an object type managed by the new resource (see Cheng col.13, lines 25-33; col.16, lines 40-65); storing in the memory the task information associated with the resource (see Cheng col.4, line 4, storing means, lines 6-20); and sharing the task information with another resource on the network (see Cheng col.13, lines 25-33; col.16, lines 40-65).

Cheng does not disclose new resources are added to the network.

Stamm teaches new resources added the network (see Stamm col.1, lines 34-41; col.3, lines 1-25).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Stamm to the method of Cheng to add new resource to the network, for the purpose making sure that there is enough resources allocated computing tasks (see Stamm col.1, lines 6-10).

As regarding claim 14, Cheng-Stamm discloses the notification include task information (see Cheng col.16, lines 40-65).

As regarding claim 15, Cheng-Stamm discloses determining whether the task information relates to an existing managed object type (see Cheng col.16, lines 40-65);

if so, associating the task information with the existing object type; and if not, associating the task information with a new object type (see Cheng col.16, lines 40-65).

As regarding claim 16, Cheng-Stamm discloses receiving a request to perform a management task with respect to an object type; performing the management task with respect to all instances of the object type (see Cheng col.16, lines 40-65).

Claim 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng in view of Stamm as applied to claim 13 above, and further in view of Sonderegger et al (us pat 6,173,289) (hereinafter Sonder).

As regarding claim 17, Cheng-Stamm discloses the invention substantially as claimed in claim 13 above; however the combination of Cheng-Stamm does not disclose receiving a request to display task information related to the first object; and displaying task information received from both back-end resources in response to the request to display task information.

Sonder teaches receiving a request to display task information related to the first object; and displaying task information received from both back-end resources in response to the request to display task information (see Sonder col.7, lines 48-67; col.11, lines 47-62; col.12, lines 30-61; col.13, lines 59-67; col.14, lines 6-36; col.15, lines 23-40).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Sonder to the method of Cheng-Stamm to display task information because it would reduce the time delay and frustrations associated with searching with the global database (see Sonder col.15, lines 23-29).

Claims 7, 12, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al (us pat 6,523,065) (hereinafter Cheng) in view of Hamner et al (us pat 6,076,106) (hereinafter Hamner).

As regarding claims 7, 12 Cheng discloses the invention substantially as claimed in claim 1, Cheng does not disclose associating a first management task with a second management task; and storing a script function, wherein the script function is callable and performs both the first management task and the second management task.

Hamner teaches associating a first management task with a second management task; and storing a script function, wherein the script function is callable and performs both the first management task and the second management task (see Hamner col.10, lines 64-67; col.11, lines 1-27).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Hamner to the method of Cheng to associate the first task with second task because by doing so would save the processing time.

As regarding claim 18, Cheng discloses a management module in communication with the plurality of resources, wherein each of the resources are associated with a plurality of objects (see Cheng col.13, lines 25-32; col.16, lines 40-65), the management module capable of receiving a request to access information related to one or more of the plurality of resources and to receive task information from the plurality of resources related to their associated objects (see Cheng col.13, lines 25-32; col.16, lines 40-65); wherein in response to receipt of a request to perform a network administration task, the management module performing task functions on the associated objects of more than one resource (see Cheng col.13, lines 25-32; col.16, lines 40-65).

Cheng does not disclose a scripting manager for combining the task functions into a single script function.

Hamner teaches combining the task functions into a single script function (see Hamner col.10, lines 64-67; col.11, lines 1-27).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Hamner to the method of Cheng to associate the first task with second task because by doing so would save the processing time.

As regarding claim 19, Cheng-Hamner teaches the management module comprises a task manager to receive and store task information, the task manager

further communicates with the resources to perform the network administration task (see Cheng col.13, lines 25-32; col.16, lines 40-65).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng and Hamner as applied to claim 19 above, and further in view of Burkett et al (us pat 6,678,889) (hereinafter Burkett).

As regarding claim 20, Cheng-Hamner discloses the invention substantially as claim in claim 19 above, the combination of Cheng-Hamner does not disclose each of the plurality of resources provides information to the task manager in XML format.

Burkett teaches defining and sharing resources in XML format (see Burkett col.1, lines 57-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Burkett to the method of Cheng-Hamner to use XML because of the flexibility of XML, XML mark up tags can be unlimited and can be self-defining (see Burkett col.4, lines 7-24).

**Examiner's Note:**

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are

representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER

12/8/7

Examiner

Duyen Doan

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